

MINUTES

296th Meeting Contractors' Registration and Licensing Board August 13, 2014

The meeting began with the pledge of allegiance to the flag of the United States of America led by Mr. Martin Ezeama, public member.

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:38 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Eric Wishart and seconded by Mr. Edgar Ladouceur.

(C) The minutes of the 294th meeting were approved; on a motion by Mr. David Caldwell and seconded by Mr. Eric Wishart. The statistics of the 295th meeting were approved; on a motion by Mr. Eric Wishard and seconded by Mr. David Caldwell.

(D) Court Case Update:

August 2014 - Court Ordered Restitution/Fines:

Contactor Claim/File	Fines	Restitution
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J. Leone 7992 (61-14-02764)	-	6,200 (paid in full to H/O)
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A. Medeiros (P3-13-3028A) - 2,500 (200/mth)
A. Medeiros (P3-13-3029A) - 2,500 (200/mth)
J. Gonzalez (P3-14-0117A) - 66,308
E. Elston 7998 (61-14-06812 ct 1) 5,000 (CRB)* -
E. Elston 8009 (61-14-06812 ct 2) 5,000 (CRB)* 2,029.77 + CJ
E. Elston 8163 (61-14-06814) 9,500 (CRB)* 9,500 + CJ
E. Elston 8124 (21-13-02635/OMUFP) - 1,200 + RO (home conf.)
R. Grayson 8050(1) (61-14-06806) 250 -
J. Rodrigues 7966 (61-14-02763) 2,000 (CRB)* 1,585 + CJ

Totals: Fines: \$21,750

(* = Fines not pursued/ordered in court, but remain pending and within the Board's discretion to alter amounts until homeowners are paid restitution)

Restitution: \$ 91,821.77

TOTAL: \$ 113,571.77

August 2014 - Funds Received Via CRB:

Contractor Claim/File Fines Restitution

James Tavares 6177 - 12,219 (paid in full)

E. Elston 8166 - 1,000

S. Sanchez 8056 - 2,000

R. Champlin 8038 - 200

W. Bishop 8210 - 400 (paid in full/settled)

T. Ogilvie 5933 - 80

W. Babcock 8214 500 (pay plan) -

J. Thurber 8271 - 500 (paid in full/disposed)

R. Dimeo 8189 - 7,500 (paid in full/disposed)

T. Oliver 8209 - 1,000 (pay plan)

R. Champlin 8038 - 200 (pay plan)

D. Rushworth 6880 - 100 (pay plan)

Totals: Fines \$500

Restitution \$ 25,199

TOTAL: \$ 25,699

Upcoming court dates:

8/15/14 PTC - Stacy Branch (61-14-06803/ file 7201(2))

8/15/14 PTC - Donald Lavoie (61-14-06807/ file 8816(1))

8/19/14 Ability to Pay Costs – Joseph Rodrigues (61-14-02763/claim 7966) (pled on 7/11/14 – 1,585 Restitution + CJ)

8/20/14 Violation Hearing - M. Warhurst (claim 7504/6663(5) - #61-14-02755) (6,000)

8/22/14 PTC - Joseph Forte (61-14-06805/ file 2741(3))

Felony Screening (OMUFP > 1,500) - Edward Elston (22-13-02636/OMUFP / Claim 8125)

Outstanding Warrants:

- Jose Tavares, 75 Cedar Street, Riverside RI 02915 (61-14-06809 and 61-14-06811) (arraigned but FTA at Court hearings)

- Marvin Reyes, 179 Carleton Street, Providence, RI 02908

- Edward Joseph, 161 Randolph Drive, Tiverton RI 02878

(61-13-12063)

- Otto De Jesus Mendoza Lopez, 121 Bradford St., Bristol RI 02809 (#/ file 8728(1))

- Kevin Cardoso, 54 Makin St., Pawtucket RI 02861 (61-14-06808/ File 9357(1))

Status of Administrative Appeals:

Kapucinski v. CRB – Filed Opposition/Objection to Petition for Cert to the Supreme Court.

Stephen Colucci/Colucci Brothers v. CRB –Admin Appeal. Briefing schedule entered into.

Colucci Brief due on Aug. 15, 2014. State's Brief Due Sept. 29, 2014.

Greene v. CRB –Admin Appeal. (PC-14-3371) (Possible resolution out of court)

Review of Pending Issues with the Building Officials Association: Tabled until next month in that no one was in attendance.

(F) Consideration of Cases on Appeal and Oral Argument:

APPEALS and MOTIONS:

1. 12:35 PM: Claim #8181, Moore vs. Atlantic Remodeling, Alan Tindle, Registration #32199; Motion by the Registrant to Vacate the Order issued by the Board. Allegations that Respondent had never received the Orders issued by the Board. After notice and opportunity

the Contractor failed to attend the Board meeting and a motion was made by Mr. Ladouceur and seconded by Mr. Eric Wishart to Deny the motion after waiting over an hour for the contractor to show, and he failed to do so. The chair called the motion and the motion carried with Felix Carlone the only one voting in opposition.

2. 12:40 PM: Claim #8173, Lupoli vs. Unique Painting, Heldeberto Lemos;

exceptions filed by the Respondent's Attorney Sean Mc Ateer. Both parties were in attendance but the Contractor requested a continuance in that his attorney is no longer representing him and wanted to have an attorney present. After much discussion a motion was made by Tom Furey and seconded by Ed Ladouceur in support of an amendment made by William Nash not to continue any longer than the next meeting scheduled for September 10, 2014. Motion carried unanimously.

EXPUNGEMENTS:

1. 1:00 PM: Registration 24369, Robert Trager, request to expunge record of file #5184, violation, insurance lapse. The contractor failed to attend the meeting and the Board elected to deny the request. Motion by Edgar Ladouceur and seconded by Felix Carlone and unanimously decided to deny.

2. 1:10 PM: Registration #12434, Robert Link, request to expunge

record of file #6924 #1, insurance lapse. The contractor failed to attend the meeting and the Board elected to deny the request. Motion by Edgar Ladouceur and seconded by Felix Carlone and unanimously decided to deny.

3. 1:15 PM: Registration #17516, Eddy Soto Jr., Eddy Construction, request to expunge claims #3598, and 3614. The contractor failed to attend the meeting and the Board elected to deny the request. Motion by Edgar Ladouceur and seconded by Felix Carlone and unanimously decided to deny.

4. 1:20 PM: Registration #14624, Josh Arundale, Arundale Construction, request to expunge violation #1887, NRB. The contractor failed to attend the meeting. Motion by Edgar Ladouceur and seconded by Felix Carlone and unanimously decided to deny.

5. 1:30 PM: Peter Lemoi, Pete's Concrete Construction, Registration #10086, request to expunge violation #9878, insurance. After much review and discussion on the matter staff pulled the contractors file to examine the records of his past activity. A listing of the dates the contractor was not registered was provided as well as the voucher records as to when payments were made on the registration. After much discussion and testimony by the contractor the Board on a motion by Edgar Ladouceur and second by Tom Furey denied the request. The Board made it clear if the contractor could produce

evidence refuting the records provided by staff they would allow the executive director to expunge record.

6. 1:35 PM: Scott Nunes, Registration #13460, request to expunge violation #10014, NRB. Mr. Nunes presented his concerns and petitioned the Board to expunge the violation. After much discussion and a review of the file a motion was made by Eric Wishart and seconded by Dave Caldwell to expunge the record. Motion was called by the chair and passed with Mr. Ladouceur voting in opposition.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 08/13/2014

Since last meeting: 07/09/2014-08/13/2014

Registrations:

Number of Registered Contractors		11252
Number of Cards Surrendered	6698	Number of Cards
Expired/Lapsed	17798	Number of Cards Invalidated
Number of Cards Suspended		490
Number of Cards Revoked		116

Registration Actions

Number of New Registered Contractors	110
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Number of Renewed Contractors	11142
Number of Cards Surrendered	47
Registrations Invalidated	264
Registrations Suspended	6
Registrations Revoked	0

Claims:

Administrative Appeals		2	
Board Appeals	2		
Address Traces			77
Awaiting Further Action		29	
		Court	
	598		
Disposed			272
Final Orders	33		
Hearings	21		
Out of State Services	18	Proposed Orders	146
Under Investigation			116
Total Claims Filed with the Board		7889	
Number of New Claims Processed		34	

Violations:

Action Against Registration	38	
Advertising	3	
Cancelled Insurance		1454
Notice of Hearing	3	
Non-Registered Contractor		
907		

TOTAL RECORDS	2430
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Number of New Violations	76
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Lapsed Registrations/Never Re-Newed:

July	2013
65	
August	2013
67	
September	2013
77	
October	2013
78	
November	2013
87	
December	2013

65

January 2014

65

February 2014

89

March 2014

93

April 2014

104

May 2014

110

June 2014

136

July 2014

144

Month

Tickets Issued

Fines

July 2013

5

\$1,950.00

August 2013

5

\$2,750.00

September 2013

9

\$6,995.00

October 2013

9

\$3,150.00	
November 2013	9
\$4,000.00	
December 2013	2
\$1,500.00	
January 2014	0
\$.00	
February 2014	3
\$600.00	
March 2014	4
\$1,350.00	
April 2014	7
\$3,100.00	
May 2014	5
\$1,025.00	
June 2014	7
\$1,475.00	
July 2014	0
\$	
August 2014	2
\$1,500	

Commercial Roofers:

Number of Registered Roofers

Number of New Registered Contractors	4	
Number of Renewed Roofer Contractors	141	
Number of Cards Surrendered	22	
Number of Expired/Lapsed	69 Registrations Invalidated	0
Registrations Suspended	0	
Registrations Revoked	0	

(H) Old Business:

(1.) Review of regulations, laws and standards, established by sub-committee,
report of committees and progress. The Boards attorney has been working with the executive director and staff to get the regulations formulated for the committee to review. This process is ongoing and currently working on rules and regulations for Home Inspectors, Commercial Roofers, and Well & Pump Installers. Several meetings have been held with staff and we are making progress. A complete reformation of the rules and regulations is being worked on so all the new as well as old regulations will have the same format. The Board decided that in order to move this process along that a Special Meeting would be held on August 20, 2014 at 12:15 PM to further review the rules and regulations.

(I) New Business:

(1.) Budget: No changes.

(2.) Computer Program Update: Working on our existing system and making changes to support new programs.

(3) Positions: Still waiting on the position of enforcement aide or another similar position which may cause delays to the new licensing programs. This position has been vacant since March 2013.

(4.) Legislation: Discussed new licensing program for underground utility installers.

(5.) Education: Working on rules and regulations which will implement program.

(6.) PSI date to get licensing programs up and running is now October 9, 2014. Will need several SME's to meet next month dates of Sept 3,4, & 5, to assure the deadline is met, both for roofers and well drillers.

(7.) NASCLA annual meeting will be held in Newport Rhode Island in August.

(8.) Attorney General Award, Board recommended that Wayne

Pimental be

nominated to receive this award for his work on mentoring vocational schools.

(9.) Board Appointments: Several members were advised that their appointments to the Board would be lapsing in September.

(J) Public Comment: None

(K) Announcements: The next Board meeting is a special meeting which will be held on Wednesday August 20, 2014 at 12:30 PM, Conference Room “C” 2nd Floor. One Capitol Hill, Providence, Rhode Island. Meeting will be limited to review of rules and regulations.

(L) Adjournment: A motion was made by Edgar Ladouceur and seconded by Mr. Martin Ezeama to adjourn the meeting at 3:05 PM.

Members Present: Michael Fox, Martin Ezeama,

William Geddes, William Nash,

Eric Wishart, Felix Carlone,

Edgar Ladouceur, David Caldwell

and Tom Furey.

Members Absent: J.L.Brillion, Steve Carlino,

Arthur Salisbury, Ronald Caniglia,

Robert Cardoza and Paul

Brunetti.

Others Present: George Whalen (Executive Director),

attorney,

staff, stenographer, parties for motions

and expungements.

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board